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4 **BEFORE THE**
5 **BOARD OF REGISTERED NURSING**
6 **DEPARTMENT OF CONSUMER AFFAIRS**
7 **STATE OF CALIFORNIA**

8 In the Matter of the Accusation Against:

Case No. 2013-149

9 **JENNIFER MICHELLE CONNER**
10 **20251 Lake Forest Drive 339**
11 **Lake Forest, CA 92630**

DEFAULT DECISION AND ORDER

12 **Registered Nurse License No. 711719**

[Gov. Code, §11520]

13 Respondent.

14 **FINDINGS OF FACT**

15 1. On or about September 4, 2012, Complainant Louise R. Bailey, M.Ed., RN, in her
16 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
17 Consumer Affairs, filed Accusation No. 2013-149 against Jennifer Michelle Conner
(Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

18 2. On or about August 31, 2007, the Board of Registered Nursing (Board) issued
19 Registered Nurse License No. 711719 to Respondent. The Registered Nurse License was in full
20 force and effect at all times relevant to the charges brought in Accusation No. 2013-149 and will
21 expire on January 31, 2013, unless renewed.

22 3. On or about September 4, 2012, Respondent was served by Certified and First
23 Class Mail copies of the Accusation No. 2013-149, Statement to Respondent, Notice of Defense,
24 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
25 and 11507.7) at Respondent's address of record which, pursuant to Business and Professions
26 Code section 136 California Code of Regulations, title 16, section 1409.1, is required to be
27 reported and maintained with the Board. Respondent's address of record was and is 20251 Lake
28 Forest Drive 339, Lake Forest, CA 92630.

1 4. Service of the Accusation was effective as a matter of law under the provisions of
2 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
3 124.

4 5. On or about September 17, 2012, the aforementioned documents sent by First
5 Class Mail, and on or about September 20, 2012, the aforementioned documents sent by Certified
6 Mail, and the certified mail domestic return receipt number 7011 2970 0004 2087 2880 of
7 aforementioned documents were returned by the U.S. Postal Service marked "Returned To
8 Sender. Undeliverable As Addressed. Forwarding Order Expired."

9 6. Government Code section 11506 states, in pertinent part:

10 (c) The respondent shall be entitled to a hearing on the merits if the
11 respondent files a notice of defense, and the notice shall be deemed a specific
12 denial of all parts of the accusation not expressly admitted. Failure to file a notice
13 of defense shall constitute a waiver of respondent's right to a hearing, but the
14 agency in its discretion may nevertheless grant a hearing.

15 7. Respondent failed to file a Notice of Defense within 15 days after service upon
16 her of the Accusation, and therefore waived her right to a hearing on the merits of Accusation
17 No. 2013-149.

18 8. California Government Code section 11520 states, in pertinent part:

19 (a) If the respondent either fails to file a notice of defense or to appear at
20 the hearing, the agency may take action based upon the respondent's express
21 admissions or upon other evidence and affidavits may be used as evidence
22 without any notice to respondent.

23 9. Pursuant to its authority under Government Code section 11520, the Board finds
24 Respondent is in default. The Board will take action without further hearing and, based on the
25 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
26 taking official notice of all the investigatory reports, exhibits and statements contained therein on
27 file at the Board's offices regarding the allegations contained in Accusation No. 2013-149, finds
28 that the charges and allegations in Accusation No. 2013-149, are separately and severally, found
to be true and correct by clear and convincing evidence.

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1 10. Taking official notice of its own internal records, pursuant to Business and
2 Professions Code section 125.3, it is hereby determined that the reasonable costs for
3 Investigation and Enforcement is \$1,432.50 as of October 5, 2012.

4 **DETERMINATION OF ISSUES**

5 1. Based on the foregoing findings of fact, Respondent Jennifer Michelle Conner has
6 subjected her Registered Nurse License No. 711719 to discipline.

7 2. The agency has jurisdiction to adjudicate this case by default.

8 3. The Board of Registered Nursing is authorized to revoke Respondent's Registered
9 Nurse License based upon the following violations alleged in the Accusation which are
10 supported by the evidence contained in the Default Decision Evidence Packet in this case.:

11 Respondent has subjected her registered nurse license to disciplinary action under
12 Code section 2762, subdivision (c), in that she possessed methamphetamine in violation of
13 Health & Safety Code (HSC) section 11377, subdivision (a) and marijuana without a medical
14 recommendation in violation of HSC section 11357, subdivision (b), acts substantially related to
15 the qualifications, functions, and duties of a registered nurse.

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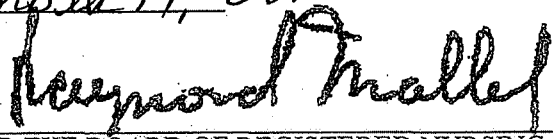
ORDER

IT IS SO ORDERED that Registered Nurse License No. 711719, heretofore issued to Respondent Jennifer Michelle Conner, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on January 14, 2013

It is so ORDERED. December 14, 2012


FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

70628863.DOC
DOJ Matter ID:SD2012703384

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation Case No. 2013-149

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10 BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
11 STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 2013-149

13 JENNIFER MICHELLE CONNER
20251 Lake Forest Drive 339
14 Lake Forest, CA 92630

ACCUSATION

15 Registered Nurse License No. 711719

16 Respondent.

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18 Complainant alleges:

19 PARTIES

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about August 31, 2007, the Board of Registered Nursing issued Registered
24 Nurse License Number 711719 to Jennifer Michelle Conner (Respondent). The Registered
25 Nurse License was in full force and effect at all times relevant to the charges brought herein and
26 will expire on January 31, 2013, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time.

STATUTORY PROVISIONS

6. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

(a) Considering the denial of a license by the board under Section 480;
or.

(b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

7. Section 490 of the Code provides, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. Section 492 of the Code states:

Notwithstanding any other provision of law, successful completion of any diversion program under the Penal Code, or successful completion of an alcohol and drug problem assessment program under Article 5 (commencing with section 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2 ([Healing Arts] commencing with Section 500) of this code, or any initiative act referred to in that division, from

1 taking disciplinary action against a licensee or from denying a licensee for
2 professional misconduct notwithstanding that evidence of that misconduct may be
recorded in a record pertaining to an arrest.

3 This section shall not be construed to apply to any drug diversion program
4 operated by any agency established under Division 2 (commencing with Section 500)
of this code, or any initiative act referred to in that division.

5 9. Section 2761 of the Code states:

6 The board may take disciplinary action against a certified or licensed
7 nurse or deny an application for a certificate or license for any of the following:

8 (a) Unprofessional conduct, which includes, but is not limited to, the
following:

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10 10. Section 2762 of the Code states:

11 In addition to other acts constituting unprofessional conduct within the
12 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct
for a person licensed under this chapter to do any of the following:

13 (a) Obtain or possess in violation of law, or prescribe, or except as
14 directed by a licensed physician and surgeon, dentist, or podiatrist administer to
himself or herself, or furnish or administer to another, any controlled substance as
15 defined in Division 10 (commencing with Section 11000) of the Health and Safety
Code or any dangerous drug or dangerous device as defined in Section 4022.

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17 COST RECOVERY

18 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request
19 the administrative law judge to direct a licensee found to have committed a violation or
20 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
21 and enforcement of the case.

22 DRUGS

23 12. Marijuana is a Schedule I controlled substance as designated by Health and Safety
24 Code section 11054, subdivision (d)(13).

25 13. Methamphetamine is a Scheduled II controlled substance as designated by Health
26 and Safety Code section 11055, subdivision (d)(2).

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1 CAUSE FOR DISCIPLINE

2 (June 9, 2011 - Unauthorized Possession of Methamphetamine and Marijuana on
3 February 9, 2011)

4 14. Respondent has subjected her registered nurse license to disciplinary action under
5 Code section 2762, subdivision (c), in that she possessed controlled substances in violation of
6 law. Respondent possessed methamphetamine in violation of Health & Safety Code (HSC)
7 section 11377, subdivision (a) and marijuana without a medical recommendation in violation of
8 HSC section 11357, subdivision (b). The circumstances are as follows:

9 a. On or about February 9, 2011, an Orange County Sheriff's Department
10 Deputy saw a vehicle with expired registration driving in Lake Forest, California. During an
11 enforcement stop, the Deputy identified the passenger as Respondent through her suspended
12 driver's license and the driver as a probationer. Respondent consented to a search of her person
13 and her purse, which yielded a pipe used to smoke marijuana. At this point, Respondent admitted
14 to smoking marijuana without a medical recommendation. As the driver was a probationer, the
15 Deputy asked where he lived. The driver replied that he lived with Respondent, his girlfriend.
16 Pursuant to the driver's terms of probation, the Deputies went to their residence and conducted a
17 probation search of Respondent's and her probationer boyfriend's residence. Respondent stated
18 that there could be methamphetamine in a cabinet near their television set. The search yielded
19 two grams of marijuana, a usable quantity of methamphetamine, several drug paraphernalia
20 items including four plastic containers with marijuana residue, two plastic marijuana containers,
21 one digital scale, two glass pipes with burnt residue, and straw, baggies, and a glass pipe, all
22 containing a white crystalline substance. The search also yielded a urine collection bag worn by
23 individuals to pass drug tests. The bag is filled with "clean" urine and worn under the clothing of
24 a person who is required to be drug tested. When required to provide a urine specimen for
25 testing, the drug tested person then uses the "clean" urine as if it were theirs to provide a urine
26 sample. After the search, a deputy read Respondent her Miranda Rights, whereupon, she
27 admitted to having used methamphetamine two days prior.

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1 b. On or about June 9, 2011, in a criminal proceeding entitled *The People of*
2 *the State of California vs. Jennifer Michelle Conner* in Orange County Superior Court, Harbor
3 Justice Center – Newport Beach Facility, Case Number 11HF0864, Respondent pled guilty to
4 violating HSC section 11377, subdivision (a), possession of a controlled substance, a felony, and
5 HSC section 11364, possession of controlled substance paraphernalia, a misdemeanor.

6 c. As a result of the plea, on or about June 13, 2011, deferred entry of
7 judgment was granted under PC 1000. Respondent was required to submit to deoxyribonucleic
8 acid (DNA) collection for the Orange County District Attorney Public Safety Crime Prevention
9 and Deterrence Program and pay the corresponding administrative fee of \$75.00. Respondent
10 was then permitted to withdraw her guilty plea and the Court dismissed the case.

11 **PRAYER**

12 WHEREFORE, Complainant requests that a hearing be held on the matters herein
13 alleged; and that following the hearing, the Board of Registered Nursing issue a decision:

14 1. Revoking or suspending Registered Nurse License Number 711719, issued to
15 Jennifer Michelle Conner;

16 2. Ordering Jennifer Michelle Conner to pay the Board of Registered Nursing the
17 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
18 Professions Code section 125.3;

19 3. Taking such other and further action as deemed necessary and proper.
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23 DATED: September 04, 2012

24 *fr* LOUISE R. BAILEY, M.B.D., RN
25 Executive Officer
26 Board of Registered Nursing
27 Department of Consumer Affairs
28 State of California
Complainant

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